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Minutes

BBRS Building Code Appeals Board (BCAB)

Meeting Location: Taunton District Office, 1380 Bay Street, Taunton, MA

Meeting Date: September 16, 2014

Meeting Time: 9:30 a.m.

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1. Meeting called to order by the Chairman, Sandy MacLeod, at 9:30 a.m. followed by roll call:

Board Members Present:

Sandy MacLeod, Chairman

Jake Nunnemacher

Thomas Perry

Board Members Not Present:

None

There were seven (7) cases on the docket scheduled each 30 minute period, beginning at 9:30 a.m. and running until approximately 1:35 p.m. The three board members identified above served each case; guests varied with each case. A copy of the sign-in sheet for each case is appended to these minutes to identify attendees.

Guests Present:

See sign-in sheet for each case.

2. September 4, 2014 meeting minutes approved.
3. **Case Number:** 14-1381
Appellant: Matthew Dennis for Toll MA. Land Ltd. Partnership
Address of Property: 90 Sherwood Drive, Methuen, MA. 01844
Summary of Case: This appeal concerned a variance from 780 CMR (*The State Building Code, Eighth Edition*) Section R112.1 & 105.3.1.1.g 5/8 plywood on a roof with roof framing 24" on center. The ground snow load for Methuen is 55 psf. The appellant is requesting an interpretation of this ruling.

On a **MOTION** by Jake Nunnemacher and **SECONDED** by Thomas Perry, it was **UNANIMOUSLY** voted that the **INTERPRETATION** is that **OSB is a wood structural panel, it's correct for them to pick a snow load maximum of 50 lbs. per sq. ft. and to go out there and use the 7/16th OSB on Methuen for the roof sheathing.** This is contingent that Toll Brothers must provide to the city a letter signed from a Massachusetts registered professional engineer confirming that what is stated in exhibit #4 is correct because the signature is not from a Massachusetts professional engineer.

4. **Case Number:** 13-1322
Appellant: Timothy DeMarco
Address of Property: 2 Bradford Street, West Wareham, MA. 02576
Summary of Case: The appeal concerned a "Failure to Act" in relation to 780 CMR 503 (*The State Building Code, Eighth Edition*) this relates to the FEMA requirements of the 50% rule for substantial improvement.

On a **MOTION** by Jake Nunnemacher and **SECONDED** by Thomas Perry, it was **UNANIMOUSLY** voted that on advice from counsel that we **DISMISS** without prejudice based on the testimony that it appears that the problem has been resolved.

5. **Case Number:** 14-1416
Appellant: Douglas Anderson for Google
Address of Property: 5 Cambridge Center, Cambridge, MA. 02139
Summary of Case: The appeal concerned 780 CMR (*The State Building Code, Eighth Edition*) Section 1003.6. The appellant is seeking a variance pertaining to "the path of egress travel along a means of egress that shall not be interrupted by a building element other than a means of egress component as specified. The building official feels that the fire pole is not a conforming means of egress component.

On a **MOTION** by Jake Nunnemacher and **SECONDED** by Thomas Perry, it was **UNANIMOUSLY** voted to **GRANT a variance to 780 CMR 1003.6** based on the fact that this is a non-required egress and also based on the testimony by the appellant on the signage.

6. **Case Number:** 14-1417
Appellant: Kevin Hastings for Lawrence Community Works
Address of Property: Union Crossing, 4 Union Street, Lawrence, MA. 01840
Summary of Case: The appeal concerned 780 CMR (*The State Building Code, Eighth Edition*) Section 602.3 The appellant is looking for relief from the above section of the code to allow the existing section of wood-framed exterior wall to remain.

List of Exhibits:

Exhibit 1. Application dated August 12, 2014.

Exhibit 2. 11 x 11 photos of subject property (2 pages).

On a **MOTION** by Jake Nunnemacher and **SECONDED** by Thomas Perry, it was **UNANIMOUSLY** voted to **GRANT a variance to 780 CMR 602.3** contingent that the appellant evaluates the building for compliance with the emergency radio coverage that's based in 780 CMR 915 and also the city is not opposed. There is also a hardship to try and put a remedy on this situation.

7. **Case Number:** 14-1418
Appellant: Benjamin Hall, Jr. for Lucky 7 Realty Trust
Address of Property: One Circuit Avenue, Oak Bluffs, MA. 02557
Summary of Case: The appeal concerned the appellant trying to vacate and reverse a Stop Work Order from the local building commissioner.

List of Exhibits:

- Exhibit 1.** Application dated June 11, 2014.
Exhibit 2. Vineyard Land Survey plans dated March 20, 2014 (3 pages).
Exhibit 3. Letter from Reid G. Silva, dated March 21, 2014 (1 page).
Exhibit 4. Building permit application dated May, 2014 (4 pages).
Exhibit 5. Minor Structural Permit from town dated March 17, 2014 (1 page).
Exhibit 6. Hand drawing from building official's office dated February 6, 2014 (1 page).

On a **MOTION** by Jake Nunnemacher and **SECONDED** by Thomas Perry, it was **UNANIMOUSLY** voted to **VACATE the stop work order** based on the fact that the appellant has documented that he has documented that he has been working in good faith effort to try and get this project to move forward.

8. **Case Number:** 14-1419
Appellant: Reid A. Dunn for Tisbury Market Condo Association
Address of Property: 79 Beach Road, Vineyard Haven, MA. 02568
Summary of Case: The appeal concerned 780 CMR (*The State Building Code, Eighth Edition*) Table 903.2. The appellant is seeking relief from having to provide an Automatic Fire Sprinkler System throughout the building in accordance with N.F.P.A. #13 as cited in the above section of the code.

List of Exhibits:

- Exhibit 1.** Application not dated, received on August 13, 2014
Exhibit 2. Letter from Fire Marshal John Schilling dated September 15, 2014 (1 page).

On a **MOTION** by Thomas Perry Sandy MacLeod and **SECONDED** by Sandy MacLeod, it was a **TWO TO ONE VOTE**, Jake Nunnemacher was opposed. To order that the appellant install a 13R System that it be sprinklered to current code given that the other owners are not here the other units shall be sprinklered. As ownership changes there should be notes left in the town building and fire departments recording the change in ownership.

9. **Case Number:** 14-1420
Appellant: Joseph Grillo for 10 State Rd. Condo Trust.
Address of Property: Rear 10 State Road, Vineyard Haven, MA. 02568
Summary of Case: The appeal concerned 780 CMR (*The State Building Code, Eighth Edition*) Table 903.2. The appellant is seeking relief from having to provide an Automatic Fire Sprinkler System throughout the building in accordance with N.F.P.A. #13 as cited in the above section of the code.

List of Exhibits:

Exhibit 1. Application not dated August 4, 2014

Exhibit 2. Letter from Fire Marshal John Schilling dated September 15, 2014 (1 page).

On a **MOTION** by Thomas Perry Sandy MacLeod and **SECONDED** by Sandy MacLeod, it was a **TWO TO ONE VOTE**, Jake Nunnemacher was opposed. That the five units that are under Mr. Grillo's ownership and control shall be sprinkled with a 13R system and the other units upon transfer in ownership shall also be sprinkled with a 13R system as well.

8. The meeting adjourned at 1:35 p.m.